

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Kevin Waite Hall**

Docket No. 270842

L.C. No. **97-000735 FH**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The delayed application for leave to appeal filed June 8, 2006, is DISMISSED for lack of jurisdiction because the application for leave to appeal was not filed within 12 months of the 1997 judgment of sentence as required by MCR 7.205(F)(3) and the August 11, 2005 request for counsel was not made within 12 months of the judgment of sentence as required by MCR 7.205(F)(4). See *People v Houlihan*, 480 Mich 1165 (2008), citing *Simmons v Kapture*, 516 F3d 450 (CA6, 2008), for the rule that *Halbert v Michigan*, 545 US 605; 125 S Ct 2582; 162 L Ed2d 552 (2005), does not have retroactive application.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 30 2008

Date

Sandra Schultz Mengel
Chief Clerk